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ABSTRACT

The House Judiciary Committee debates over the Articles of Impeachment during the Watergate hearings provided the unique opportunity for citizens to observe the process of congressional decision making. Emphasizing diversity, compromise, and reasoned argument, members defined their role as a combination of judge, juror, and average common-sense citizen. Reflecting the varied interests of their constituencies, committee participants became the voice of logic in a morass of deception. Rhetorically and politically, the debates sought to educate the public about evidence and issues, express all possible points of view, and encourage national unity. Media coverage of the discussion reflected a minimum of adaptation to the mass audience, sometimes presenting evidence more quickly than it could be absorbed. High approval ratings given Congress by the public after the debates may indicate the desire for evidence to be presented in all its complexity, however, as well as reflect an appreciation for the committee's starightforward style. (RS)

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The Judicial Context: The House Judiciary Committee Debates Over Articles of Impeachment

by Karlyn Kohrs Campbell, Univ. of Kansas

> In approaching this grave matter I said I would be guided by the facts, the Constitution, and my own conscience. I honestly believe that I have been faithful to that commitment. I know for certain that I have nothing to gain politically or otherwise from what I must do here. But after weeks of searching through the facts and agonizing over the constitutional requirements, it's clear to me what I must do. And I emphasize that this is my personal decision, what I must do. I don't presume to influence any other person, and I recognize that there can be differences on this grave matter.
>
> In this regard, Mr. Chairman, let me say a few words. There are many people in my district who will disagree with my vote here. Some will say that it hurts them deeply for me to vote for impeachment. I can assure them that I probably have enough pain for them and me. I have close personal friends who strongly support President Nixon. To several of these close friends who somehow I hope will see and hear these proceedings, I say that the only way I could vote for impeachment would be on the realization, to me anyway, that they my friends would do the same thing if they were in my place on this unhappy day and confronted with all the same facts that I have. And I have to believe that they would, or I would not take the position that I do.[1]

These words, spoken by Walter Flowers (D-Ala) just prior to the vote on article one, reflect, in microcosm, the entirety of the House Judiciary Committee debate on impeachment. They express the grounds used to justify votes for impeachment and the fears of the Republican and Southern members of the "fragile coalition." They describe the audience addressed, and what the committee hoped to achieve.

The televised hearings of the House Committee on the Judiciary were an extraordinary occasion. Extraordinary because this will be the only impeachment you and I will live through, in all probability. Extraordinary because this was only the second impeachment of a president in the history of the nation. Extraordinary because it was a very ordinary act in our political system and an ordinary group of individuals that created this extraordinary event. And extraordinary because of its effects. In what follows I shall try to explain how the debates could have produced these effects, and produce them they did. The Gallup poll reported substantially increased public approval of Congress,[2] conservative columnists praised the committee and its deliberations,[3] and the 1974 elections

CS 501 404

revealed that the coalition had made its case to the people.[4]

I am concerned with three matters: the character of the rhetorical agents, the nature of the issues, and the rhetorical-political scene of national television which defined the audience.

The debates were an important historical moment because our representatives talked to us about what it meant to be citizens--a brief moment of high style in ordinary language.[5] But the debates were ordinary legislative debates on their best behavior, and "the 'good guys' were good guys largely because they were conventional American politicians"[6]

The rhetorical agents are legislators, and hence, elected representatives and politicians. Although much maligned, such persons are uniquely suited to perform certain functions. David Mayhew writes:

> At voicing opinions held by significant numbers of voters back in the constituencies, the United States Congress is extraordinarily effective. . . . The diversity of the constituencies makes it likely that any given sentiment will find an official voice somewhere. Hence, Congress emerges as a cacophonous chorus, its members singing different tunes but always singing something.[7]

If the impeachment inquiry was to be something other than a "kangaroo court," the charge made by Ronald Ziegler, it had to produce a decision reflecting diverse constituencies and attitudes. The members of the House Judiciary Committee were old and young, male and female, black and white, Southern and Northern, conservative and liberal, from big states and small, from urban and rural constituencies. The committee members are somewhat atypical as all are lawyers and because the committee has "little patronage and minimal access to the pork barrel of parochial interests," hence more interested in national than in local issues. It should be noted, however, that this slight atypicality in relation to Congress makes the committee members even "more typical of the nation at large, or at least as typical as a grand jury."[8]

Like all congressional committees, it functions under rules of seniority, parliamentary procedure, and rules adopted by the committee itself. The rules of procedure make congressional debate extremely formal, courteous, and civil when

contrasted with most contemporary advocacy. Because congressional debate is relatively inaccessible, these conventions have special rhetorical impact for the public--after an era of confrontation, this is civilized disagreement. When times are good, congressional courtesy can be considered frivolous, simply manners, mere decor. But when times are bad, this decor becomes the vital matter of decorum. And decorum is sorely needed in a situation in which the President of the nation is being judged for deeply indecorous behavior.

In addition, congressional committee structure lends itself to cooperation. A committee can function effectively only if conflicting positions can be resolved through coalition and compromise, best accomplished in an atmosphere of mutual respect. The congressional Eleventh Commandment is never to attack another member--even across party lines.[9] The legislative context makes it more likely that a decision for impeachment will be bipartisan and that members will cooperate in establishing their credibility as individuals and as a committee. The process was not easy in this case, and the "fragile bipartisan coalition" that emerged is a credit to the committee and its new chairman, Peter W. Rodino, Jr. (D-NJ).[10]

The congressional context is also a constraint because legislators are not able to handle all issues with equal skill. The issues with which they are most adept are simple or capable of simplification and amenable to relatively specific, short-term solutions. They are not legalists. They are not logicians. What they do best is to incorporate into law common sense notions of what is reasonable.[11] In this case, the issue is complex, but the solution is specific, and a judgment can be made based on "what the reasonable and prudent man would conclude from the facts," (p. 322) to use the words of Lawrence Hogan (R-Md).

A congressional committee encourages diversity, civilized disagreement, compromise and coalition, and an emphasis on reasoned but commonsensical argument.

Unlike the legislative context in which there are many givens, the judicial context--just what the issue is and how it is to be approached—had to be defined

by the participants themselves. There were substantive issues--how shall an impeachable offense be defined, how shall the articles be worded, how is the committee report to be transmitted to the House, but the primary issue is political and rhetorical--how can the committee members establish themselves as credible judges? During the opening speeches and during the debate on article one, the committee defines its role.

They are, first of all politicians, a role not noted for its credibility. Their response is to point out that Richard Nixon is a politician too, and he should be judged by other politicians who understand the pressures of public life. In short, they define themselves as a jury of Richard Nixon's peers.

They are also party members with an abiding political interest in the outcome of the debate. Can a Democrat judge a Republican president without animus? Jack Brooks (D-Tex) argued that there is no political gain for Democrats. If they succeed in removing Richard Nixon, he will only be replaced by another Republican who may well receive strong and widespread support. (p. 12) Can a Republican judge a Republican president and condemn his party leader to whom he owes loyalty and stain the reputation of his party? Yes, answered M. Caldwell Butler (R-Va). Republicans have always campaigned against corruption. If the house has to be cleaned, it is they who should do it (p. 69).

The debate on the first article determines just what it means to be a judge or juror on this case. Much of this debate concerns an alleged lack of "specificity" in the wording of the article. As a response, Jerome Waldie (D-Cal) begins what can only be described as a witty, charming narrative of the chronology of Watergate (pp. 188-189). Initially, he is supported by other members who yield time to him so that he can continue his "scenario." But gradually, as the debate continues, his narrative style is attacked by both proponents and opponents; Charles Wiggins (R-Cal) refers to it as "Waldie's fable" (p. 222; other attacks come from Lawrence Hogan (R-Md), p. 229, and Joseph Marasiti (R-NJ), p. 242). The committee decides that what is required is a serious, factual presentation of relevant evidence in the style of a

legal brief. (The sole exception is the irrepressible William Hungate (D-Mo) who rejects the demand for serious solemnity by saying, "I felt it better to have a sense of humor than no sense at all." p. 323.) In effect, the committee defines its role as judge-juror, that is, as lawyer-judges who bring to bear all their legal expertise regarding charges, evidence, standards of proof, and the like, but as juror-citizens who make final judgments based on common sense.

The legalistic dimension of the role is most apparent in the debate on article one which alleges a criminal offense--obstruction of justice. Their roles as citizens using common sense is more apparent in the debate on article two which charges abuse of presidential power. In the words of George Danielson (D-Cal), "You or I, the most lowly citizen, can obstruct justice. You or I, the most lowly citizen, can violate the statutes in the criminal code. But only the President can violate the oath of office of the President." (p. 337) The issue is constitutional; the role is that of an informed and concerned citizen making a reasonable judgment. The strongest argument for the article is that the pattern of misconduct by the President and his aides demonstrates that the President has failed to "take care that the laws are faithfully executed," and it is made most cogently by Robert McClory (R-Ill) (pp. 341-342 and 349 and 439). The argument is a response to the strictly legalistic view taken by opponents and to the charge that this is really the Madisonian superintendency theory in disguise. The ambiguous character of the role of citizen calls forth considerable activity to establish credibility. There are frequent statements such as "I want to associate my remarks with those of the great lawyer, Mr. _____, with those of my good friend Mr. _____, etc." It is during this debate that both James Mann (D-SC) and Walter Flowers (D-Ala) take pains to declare their friendship for Charles Sandman (R-NJ) who frequently and sarcastically attacks the Democratic majority. They state their appreciation for his role on the committee and for his contribution to the debate (p. 427). Similarly, the members pay themselves compliments for the time and energy they have expended

to become familiar with the evidence (p. 429).

Article three is constitutional in a more narrow sense. It speaks to the separation of powers, executive privilege, and the meaning of the constitutional power given to the House in impeachment. It charges the President with impeding the constitutionally authorized investigation of the committee by willfully disobeying its subpoenas. The article reveals the extraordinary fact that the committee had failed to gather any new evidence and was working with material handled by other government agencies, some of which was already a matter of public record. The evidence comes from the Special Prosecutor, the Erwin Committee of the Senate, and from nine witnesses who had previously testified before other tribunals. In this article, they act as members of Congress, protecting its rights, fearful of the disruption of the concept of co-equal branches of government, arguing that the case should or should not have gone to the Supreme Court for arbitration.

Article two receives the strongest committee support (the vote is 28-10); article three receives the least support of the articles adopted (the vote is 21-17). It threatens the "fragile bipartisan coalition" as comments by Tom Railsback (R-Ill) (p. 473) and M. Caldwell Butler (R-Va) (p. 477) indicate. (Only two Republicans, Robert McClory(Ill) and Lawrence Hogan (Md) vote in favor; the Southern Democrats James Mann (SC) and Walter Flowers (Ala) defect.) The committee is least comfortable in asserting the rights of Congress against the Executive and seems to recognize that it is less credible in this posture.

Article four alleges abuse of the war power in the secret bombing of Cambodia. Like article three, it asserts congressional power, but unlike article three, it is defeated. Some members use this article to recall disputes over the Vietnamese war; others argue for the principle that Congress shall have the power to make war--Vietnam is not the issue. The article is defeated by two arguments: that Congress is equally culpable in this abuse and that other presidents have been equally guilty, particularly Lyndon Johnson. The debate is short (pp. 489-515);

the vote is strongly against it (12-26).

Article five charges the President with tax fraud and with violating the emoluments clause of the Constitution. Although it is defeated resoundingly (12-26), the debate is long, and the problem of defending Richard Nixon is very evident. Edward Mesvinsky's (D-La) speeches on Nixon's taxes (pp. 520-522) and Jack Brooks (D-Tex) speeches on emoluments (pp. 525-528) present a disturbing picture, although most members agree that the evidence is inconclusive and inadequate. A strong argument against this article is that non-official or personal misconduct is not impeachable. However, the roles of the members as lawyers and as citizens are in conflict. For example, addressing the issue of whether or not Nixon committed willful fraud, George Danielson (D-Cal) says: "We use good judgment and common sense and we bear in mind at all times that people probably intend to do what they do in the serious matters in their life." (p. 529) By that criterion, it is difficult to exonerate Richard Nixon, and some of the President's staunchest defenders feel called upon to deplore his actions. For example, Delbert Latta (R-Ohio), one of the Republicans who voted against all five articles, a man who was put on the committee for the inquiry to add pro-Nixon balance, says that he finds the president "Guilty . . . of bad judgment and gross negligence." (p. 554-555)

As I have indicated, the issue of credibility is complex. To resolve it, the committee defines a role somewhere between that of the lawyer who examines evidence narrowly and argues fine legal points and that of the ordinary citizen who makes judgments based on common sense. Predictably, the committee arrived at a decision about Richard Nixon that was most like the decision of the general public.[12]

The rhetorical-political context was that of national television. In his opening speech, Edward Hutchison (R-Mich), the ranking Republican, says that

> . . . judges and juries deliberate behind closed doors. By the committee's action in opening these discussions it has, in effect, determined that our function is more political than judicial. (p. 4)

The decision of the House of Representatives to televise the debates, to give the public a rare glimpse into congressional decision making, is a strong indicator that the audience is the general public, the constituents in committee members' districts, and other members of the House of Representatives. The committee is rarely its own sole or primary audience. Charles Sandman (R-NJ) was right when he said that an impeachment vote was a foregone conclusion (p. 252, 17). Some issues remained, as I mentioned earlier--the definition of an impeachable offense, the wording of articles, the procedures to transmit the report to the House--but the primary functions of the debates must be defined in different terms.

Rhetorically and politically, the debates sought to educate the public about the evidence and the issues, to test the strength and weakness of arguments and evidence, to express all possible attitudes and feelings about impeachment, and to initiate a process that would end national division. The rhetorical problem is one of making information intelligible and accessible, of expressing and testing diverse positions, and of finding means to produce national unity.

Despite protests from the Administration against what they perceived to be unfair coverage by the media, the public was not well-informed about the issues related to impeachment.[13] The complexity of the issues--the burglaries, the coverup, interference with the FBI, CIA, and IRS, Nixon's taxes, the Plumbers, etc.--and the extended period of time in which these events had occurred precluded adequate coverage in snippets on the nightly television news or even in newspaper columns.[14] When information was forthcoming, it appeared in a relatively inaccessible form--transcripts of White House tape recordings, difficult reading at best. The other major source of information was the Erwin Committee hearings televised during the summer of 1973. These were a fascinating human drama, but they did not give a synthesized or coherent picture, and a great deal of information had been developed since that time.

As indicated earlier, the committee did not develop new information, rather it

digested a mountain of material (in a grandstand play, Delbert Latta (R-Ohio) piled the thirty-eight volumes of evidence in front of the cameras to dramatize just how much material had been examined). Evidence was organized by charge and issue, issues were subdivided and organized, arguments and evidence were contested. The result is that, particularly with repetition, the listener emerges with a picture of the most serious charges, of the arguments and evidence supporting each, and a notion of the relative strength and weakness of the charges, arguments, and pieces of evidence. The listener learns a good deal about authorities on impeachment, about precedents, and about the unique character of this case (no other impeachment was so complex, involving so many acts of so many different kinds, over such an extended period of time).

However, it should be noted that, for a public debate, there is a minimum of adaptation to the mass audience. There is little metaphorical language, limited use of analogy and example, little humor, a minimum of purple prose. The evidence often tumbles out faster than the listener can absorb it. I think the committee is successful in familiarizing the audience with the most important pieces of evidence, but they behave as if the listener were a very good citizen who has followed the events as closely as possible and is capable of absorbing much information in a short period. The high approval rating given Congress after the debates by the public may indicate that these were ideas that Americans did not wish to see over-simplified.

If the committee were to be judged fair and its decision representative, all opinions of and attitudes toward the impeachment issues would have to be represented and expressed by the committee. Although the committee unites to praise the thoroughness of the inquiry, the skill of the chairman, and the dedication of the members (despite some strong criticisms of procedure, all members express these sentiments), there are important differences of opinion and great divergence in style. Those defending Nixon generally argue from a strict legal position, but

their styles range from the smooth and skillful Charles Wiggins (R-Cal) to the blunt, crusty Edward Hutchison (R-Mich), the nit-picking David Dennis (R-Ind), the acerbic, sarcastic Charles Sandman, (R-NJ), the vicious Delbert Latta (R-Ohio),[15] the resentful Carlos Moorhead, and the proud, young Trent Lott (R-Miss). Henry Smith (R-NY) is the voice of reason who praises Nixon's foreign policy; Wiley Mayne (R-Ia) seems to personify the voice of Nixon's "forgotten American." The President's accusers are also varied. The most memorable are the Republicans and Southern Democrats who suffer down the road to an impeachment vote. Lawrence Hogan (R-Md) is a man of rectitude who is often outraged; Tom Railsback (R-Ill) frantically spews forth the mounds of evidence which he sees as conclusive; Robert McClory (R-Ill) is an anguished citizen who sees the President as a man who violated his sacred trust; Walter Flowers (D-Ala) shares a personal pain in feeling constrained to make such a decision; James Mann (D-SC) speaks as an irate citizen. Other Democrats are also noteworthy: Barbara Jordan (D-Tex), the sonorous orator and inquisitor, Jerome Waldie (D-Cal), the story-teller, William Hungate (D-MO), the humorist, Peter W. Rodino, Jr., (D-NJ) the voice of order and reason and law. Still others reflect groups or interests: Edward Mesvinsky (D-Ia) identifies himself as the son of Russian immigrants and speaks almost entirely on the issue of taxes; Charles Rangel (D-NY) speaks as a black and as a Korean veteran; Wayne Owens (D-Utah) recalls his former connection with the Kennedy Administration; Robert Drinan (D-Mass), in his clerical collar, identifies himself with his constituents, Archibald Cox and Eliot Richardson, whose acts precipitated the inquiry.

Each listener can find his or her voice among the membership. For this reason, the abrasive sarcasm of Sandman, the outrage of Hogan, the resentment of Moorhead, the attacks of Latta, the legalism of Dennis, the crustiness of Hutchison, the sophistication of Wiggins, the charm of McClory and Flowers, and the anger of Lott are all essential to the debate. If the debates are to satisfy all listeners, the opinions and feelings of each listener must be expressed, and argued,

and taken into account. In this sense the variety in the committee is a great strength, although the disagreement could have produced angry division.

The history of the committee reveals a successful struggle to transcend partisanship and create a coalition. In such an atmosphere, parliamentary procedure can function rhetorically. As the debate develops, one comes to believe the compliments to the chairman, members and staff and to trust expressions of mutual respect and friendship. As a result, the listener not only hears opinions and feelings expressed, but hears them treated with respect, affirmed as valuable, and honored as contributing to a proper outcome. There is disagreement, but the opposition is part of the committee whole--a loyal and supportive opposition. (There is one exception, Delbert Latta (R-Ohio), a special member of the committee for this inquiry. Early in the debate he makes a vicious ad hominem attack on Albert Jenner, minority counsel, after others have said that Jenner is an outstanding lawyer. Reading from an article in the Wall Street Journal, he says that a committee of which Jenner is a part has redommended the repeal of anti-prostitution laws, and that, as a result, he cannot agree with everything Jenner says. John Seiberling, also of Ohio, rebukes him sharply. Both statements are expunged from the written record of the debates. See pp. 199 and 203).

If the committee represented any set of values, they were the values of civility, decorum, and reasoned inquiry with tolerance for disagreement. In an age in which the public has been frightened by dissent and confrontation, the committee debates must have seemed the voice of sweet reason. The result was that expressed differences could produce catharsis and purgation rather than frustration and anger.

The unifying effect of the debates is partly a result of the cathartic expression of differences and partly a result of education. The exploration of arguments and evidence reveals that, despite the best efforts of able speakers, Richard Nixon is a hard man to defend. The release of transcripts of White House

tapes uncovered a tawdry White House drama. The President's defenders were reduced to saying that while it wasn't nice, it wasn't impeachable. The defensive posture of the opponents of impeachment is evident throughout--other presidents did the same thing, the Congress is equally culpable, there is no evidence of fraud, there is no direct evidence of presidential involvement, etc. Quite simply, the momentum is with the affirmative at all times. No unification could have occurred if the conclusion to be drawn from the evidence was unclear. Despite the skills of the President's defenders, Richard Nixon was badly damaged. It is a credit to the argumentative skills of the proponents that their charges emerged as strong and well-supported.

But argument alone will not explain the response. The great moments of the debate, such as the speech of Walter Flowers (D-Ala), are moments of a special kind of eloquence, what Northrop Frye calls "high style in ordinary speech." In Frye's words, "it is the voice of the genuine individual reminding us of our genuine selves, and of our role as members of a society in contrast to a mob."[16] The voices come from both sides of the aisle. They lament for the misdeeds of the man they call, over and over again, "my president." They express an anguish of conscience that constrains them toward a decision they do not want to make; they fear for their country, and they see themselves as the unhappy band of agents who must make the unpleasant choices for all American. Nearly all members express such opinions, regardless of their votes on the articles. Because Charles Sandman (R-NJ) was such an abrasive figure, perhaps his words are the best illustration:

> I would like to use these closing moments of this long and what some people will refer to as a historic exchange to capsule where we stand in my judgment and what I think we should be thinking about.
>
> Now, at the outset I don't think I am the most naive person in the world, but I like to believe that every man that has ever been President of the United States had to be a good man and he had to be a great man or this great country would have never voted for him to be the leader of this country. . .
>
> Now, anybody who feels this way, and I kind of think the country feels

this way, they would like to believe their President is a pretty good man, and to do otherwise or to prove to them otherwise, it would take a tremendous amount of proof to do that, and it should, tremendous. You can't do this loosely. And this is important. The whole world is watching this proceeding and what we do, we had better do right, because the effect of it is going to make a precedent for 1,000 years. (pp. 423-424).

They are not, then, extraordinary men and women, but ordinary citizens who make decisions based on common sense and common values. Their eloquence is not the eloquence of great orators, it is the clear, simple sound heard when a real person tells us what she or he really feels and thinks, or, perhaps, makes a desperate defense for a losing cause. The members of the House Judiciary Committee were able to do just that as they spoke to us as legislators, as lawyers, as citizens with different backgrounds and interests. And the result was this remarkable event that sealed the fate of Richard Nixon for all the evidence indicates that, regardless of other developments, he would have been forced out of the Presidency as a result of the committee's decision. Remarkable, too, in that 44 million people are said to have watched the debates in prime time, and it is hard to imagine anything farther from "All in the Family" than these debates. Remarkable, in addition, because as a direct result of the debates, public approval of Congress went from 29% before the debates to 48% after them. Remarkable, finally, because in terms of the members and the procedures of the Congress of the United States, the hearings of the committee so clearly followed the norms, were so rhetorically unremarkable, and yet changed the course of history.

Endnotes

[1]Debate on Articles of Impeachment: Hearings of the Committee on the Judiciary, House of Representatives, 93rd Congress, 2nd session, pursuant to H. Res. 803, July 24,25,26,27,29, and 30, 1974 (U.S. Government Printing Office, Washington: 1974), p. 326. All subsequent references to the debates are from this source.

[2]New York Times, August 28, 1974, p. 11. The Gallup Poll reported that 48% of those interviewed approve of the way Congress is handling its job; 35% disapprove. The change was directly attributed to the televised debates on impeachment. Prior polls recorded a 29% approval rating. (Harris Poll, New York Times, Aug. 7, p. 17)

[3]See William Buckley, "Committee Acted Reasonably," Kansas City Times, August 5, 1974, p. 42; James J. Kilpatrick, "Mass of Evidence Warrants House Impeachment Vote,"

Kansas City Times, July 23, 1974, p. 37, Rowland Evans and Robert Novak, "Strategy Will Switch for Senate Trial," Kansas City Star, August 4, 1974, p. 22. They refer to "the overwhelmingly favorable impression of the proceedings given the nation over television."

[4]Every committee member who voted for impeachment was re-elected, with the single exception of Republican Harold Froehlich of Wisconsin, a 1-termer who lost in a marginal district to Democrat Robert J. Cornell, the man who nearly defeated him two years ago. (Miles Benson, "Judiciary Roll Call Altered," Kansas City Star, November 10, 1974, p. B1.) Jerome Waldie retired; Wayne Owens was beaten in a senatorial race in Utah; Lawrence Hogan was beaten in the Republican primary for the governorship of Maryland. Five Republicans who voted against impeachment were re-elected: Trent Lott of Mississippi, Delbert Latta of Ohio, Edward Hutchison of Michigan, Carlos J. Moorhead of California, Charles Wiggins of California. Four were defeated: Charles Sandman of New Jersey, David Dennis of Indiana, Wiley Mayne of Iowa, Joseph Maraziti of New Jersey.

[5]Northrop Frye, The Well-Tempered Critic (Bloomington: Indiana Univ. Press, 1963), pp. 44-46.

[6]Martin F. Nolan, review of How the Good Guys Finally Won by Jimmy Breslin, New York Times Book Review, May 11, 1975, p. 2.

[7]David R. Mayhew, Congress: The Electoral Connection (New Haven: Yale Univ. Press, 1974), p. 106.

[8]Nolan, p. 3.

[9]Charles L. Clapp, The Congressman: His Work as He Sees It (Wash. D.C.: Brookings, 1963), pp. 16-17.

[10]After the House of Representatives voted $1 million to the Judiciary Committee to conduct an inquiry, the committee immediately divided along partisan lines. In its first vote, the committee's 21 Democrats chose to allow the chairman, Rodino, to decide what information and what witnesses would be subpoenaed, overriding the vote of all 17 Republicans who wanted the power to veto any of Rodino's subpoenas. Then, in a second party-line vote, the Democrats refused to allow the committee Republicans to issue any subpoenas of their own. On January 24, 1974, Rodino relented on subpoena power, agreeing to allow the ranking Republican, Hutchison, to share the power with him. Jointly, Rodino and Hutchison requested the House to pass a resolution recognizing the Judiciary Committee as the body that would make the formal impeachment inquiry, which it did on February 6, 1974, by a vote of 410 to 4. (Barry Sussman, The Great Cover-Up: Nixon and the Scandal of Watergate (New York: Signet, 1974), pp. 287-289.) Jimmy Breslin tells the story of Peter Rodino's slow and careful choice of committee counsel in How The Good Guys Finally Won (New York: Viking, 1975), pp. 81-82, 94. He also reports on the attitude of Emmanuel Celler, former chairman of the committee for 30 years, defeated by Elizabeth Holtzman in 1972. According to Breslin, Celler's reaction to the inquiry was as follows: "They're taking too much time. They're trying to get it bipartisan. That can't be done. The other side is going to make it a partisan issue at the end anyway. So you might as well just go right ahead and call them on it." (p. 94)

[11]Mayhew, p. 138.

[12]Two weeks after the release of the Watergate transcripts in 1973, the Harris Survey

reported that 49% of the American people wanted President Nixon impeached and removed from office. (Staff of the Washington Post, The Fall of a President (New York: Dell, 1974), p. 152.) See also Breslin, pp. 140-144, for an anecdotal description of the relationship between polls and congressional votes.

[13]For reports on the poor newspaper and television coverage of Watergate, see Sussman, pp. 134-135, and Timothy Crouse, The Boys on the Bus: Riding with the Campaign Press Corps (New York: Random House, 1972), pp. 295-299. Crouse reports a Gallup poll taken around the time of the 1972 election in which 48% of the American public had never heard of the Watergate affair (p. 295).

[14]Woodward and Bernstein, Washington Post reporters, lamented the fact that they had never found time to write a comprehensive story on Watergate that would pull together all their facts into a coherent narrative. (Crouse, p. 296).

[15]See below, p. 11.

[16]Frye, p. 44.